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AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 9  
OFFERED BY MR. PETERS OF CALIFORNIA

Page 5, strike lines 3 through 5, and insert the following:

- 1       “(f) EXEMPTIONS.—Subsection (a) should not apply  
2 to—  
3       “(1) a civil action that includes a claim for re-  
4 lief arising under section 271(e); or  
5       “(2) a party alleging infringement if the party  
6 is a small business concern, independent inventor, or  
7 nonprofit organization described in section 41(h)(1)  
8 of title 35, United States Code.”.

Page 28, strike lines 11 through 25, and insert the following:

- 9       “(1) COVERED CUSTOMER.—The term ‘covered  
10 customer’ means a retailer or end user that is ac-  
11 cused of infringing a patent or patents in dispute  
12 based on—  
13       “(A) the sale, or offer for sale, by a small  
14 business concern as defined in section 3 of the  
15 Small Business Act (15 U.S.C. 632), of a cov-